

REMARKS

The Office Action mailed February 4, 2009 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-20 are pending in this application. Claims 1-20 are subject to an election of species requirement.

Reconsideration of the election requirement imposed under 35 U.S.C. § 121 is respectfully requested.

Applicants respectfully submit that the Amendment mailed October 29, 2008 did not necessitate the instant election requirement and maintaining all claims in the application can be made without serious burden. Applicants respectfully note MPEP § 803, which recites:

If the search and examination of all the claims in an application can be made *without serious burden*, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

(Emphasis added). Namely, Claims 1-20 have not been amended to invoke an election of species requirement. As such, Applicants respectfully submit that a thorough search and examination of any of the alleged claim species would be relevant to previous searches and examinations of Claims 1-20 and, thus, can be made *without serious burden* to the Examiner. (Emphasis added).

A requirement was imposed under 35 U.S.C. § 121 to elect a single disclosed species from the following alleged species for prosecution on the merits to which the claims shall be restricted in no generic claim is finally held allowable. The Examiner asserts on page 2 of the Office Action that the species “lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.” The Examiner alleges that no claim is currently generic.

The Examiner alleges that the elected invention contains claims directed to the following patentably distinct species and, thus, requires Applicants to elect one of the following species for prosecution on the merits:

Species I corresponding to Figures 1 and 2;

Species II corresponding to Figure 5 and 6;

Species III corresponding to Figures 8 and 9;

Species IV corresponding to Figures 10 and 11;

Species V corresponding to Figures 12 and 13; and

Species VI corresponding to “member covers bottom and side of generator main body (not shown).”

In response to the election of species requirement, Applicants provisionally elect, with traverse, Species II for prosecution on the merits. Applicants respectfully submit that Species II corresponds to Figures 4 and 7, in addition to Figures 5 and 6, as asserted in the Office Action. Applicants respectfully submit that Claims 2-10, 12, 13, and 15-20 read on the elected species. Moreover, Applicants respectfully submit that Claims 2 and 15 are generic.

The Examiner further requires Applicants to elect one of the following species for each of Category A related to mesh, Category B related to woven fabric, and Category C related to string or rope:

- i. stainless steel;
- ii. aluminum;
- iii. copper;
- iv. nylon;
- v. cotton;
- vi. hemp;
- vii. flax;
- viii. rubber; and
- ix. plastic.

In response to the election of species requirement, Applicants provisionally elect, with traverse, i. stainless steel for Category A, iv. nylon for Category B, and iv. nylon for Category C for prosecution on the merits. Applicants respectfully submit that each elected species for Category A, Category B, and Category C corresponds to Figures 1-13. Further, Applicants respectfully submit that Claims 1-20 read on each elected species for Category A, Category

B, and Category C. Moreover, Applicants respectfully submit that Claims 1, 2, 14, and 15 are generic.

Notwithstanding the foregoing species elections, Applicants respectfully submit that 37 CFR § 1.141 specifically contemplates examination of more than one species per application:

Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

Moreover, by requiring an election so late in the prosecution, the Examiner has unduly delayed examination of the present patent application and unfairly imposed additional and unnecessary costs on the Applicants.

Accordingly, withdrawal of the election of species requirement is respectfully requested.

Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,



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